

## REMARKS

In accordance with the foregoing, claims 1 -3 have been cancelled without prejudice or disclaimer and claim 19 has been amended. Claims 19, 23 and 24 are pending and under consideration.

### The Rejection:

At page 2 of the Office Action, claims 1-3, 19, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art as shown in FIG. 1 and described at page 2, lines 8-20 of the specification in view of U.S. Patent 5,526,328 to Oshima et al. Claims 1-3 have been cancelled without prejudice or disclaimer, thus the rejection of claims 1-3 is moot.

Claims 19, 23 and 24 have been amended as set forth above to recite that both the first and second recording surfaces are optical recording surfaces and to positively recite that "the identification information" indicates "that the hybrid disc is a hybrid disc comprising the first and second optical recording surfaces."

Although Oshima et al. disclose a hybrid disc having a CD recording surface on one side of the disc and a magnetic recording surface on a second side of the disc, the feature of the present invention of a predetermined recording area having identification information indicating that the hybrid disc is a hybrid disc type comprising first and second optical recording surfaces is not found in Oshima et al.

Oshima et al. include no teaching regarding a benefit of including a hybrid disc identifier in a hybrid disc comprising first and second optical recording surfaces as claimed in claims 19, 23 and 24. Thus, a person of ordinary skill in the art at the time the invention was made would not have been motivated to combine the disclosure of the Admitted Prior Art with the teaching of Oshima et al. in order to arrive at the claimed invention.

Only the present invention as claimed in claim 19 recites "a substrate; a first optical recording surface formed at a first level in said substrate, said first optical recording surface including a first format type of reproduction data; and a second optical recording surface formed at a second level in said substrate, said second optical recording surface including a second format type of reproduction data different from said first type of reproduction data, wherein: said first and second optical recording surfaces are accessible for recording or reproduction from a same surface of the hybrid disc, and said first recording area further comprises a predetermined

recording area having identification information indicating that the hybrid disc is a hybrid disc comprising the first and second optical recording surfaces."

Oshima et al. do not suggest that a hybrid identifier for identifying that a hybrid disc has a CD recording layer readable from on one side of the disc and a magnetic recording layer readable from the other side of the disc would be useful in identifying a hybrid disc having first and second optical recording layers readable from a same side of the optical disc.

With the disc having the identification information as recited in claim 19, the present invention has a distinguished advantage in that where the first and second optical recording surfaces are a DVD recording surface and a recordable CD surface, a DVD playback apparatus may be adapted to accurately distinguish the disc as a hybrid disc, preventing the recordable CD surface from being damaged by inadvertently irradiating the recordable CD surface with a laser beam suitable for a DVD recording surface.

Claims 23 and 24 are deemed to be patentable at least for similar reasons set forth above regarding claim 19.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

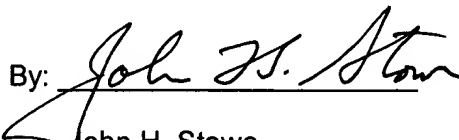
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8/19/04

By:   
John H. Stowe  
Registration No. 32,863

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501